



**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

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Order Instituting Rulemaking to) Rulemaking 04-04-026
Implement the California Renewables) (Filed April 22, 2004)
Portfolio Standards Program.)
)

**RESPONSE OF SAN DIEGO GAS & ELECTRIC COMPANY
(U 902 E) TO PETITION FOR MODIFICATION OF D.05-12-042**

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July 17, 2007

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In accordance with Rule 16.4 of the Rules of Practice and Procedure of the California Public Utilities Commission (the “Commission”) and the *Administrative Law Judge’s Ruling on Motion to Expedite*, issued June 28, 2007, San Diego Gas & Electric Company (“SDG&E”) hereby submits this Response to the *Petition of the California Wind Energy Association and the Green Power Institute for Modification of Decision 05-12-042: Interim Opinion Adopting Methodologies for the 2005 Market Price Referent* (the “Petition”).

In the Petition, the California Wind Energy Association (“CalWEA”) and the Green Power Institute (“GPI”) seek to modify D.05-12-042, which sets forth the methodology used to calculate the Market Price Referent (“MPR”) applicable to bids submitted in the respective investor-owned utility (“IOU”) Renewable Portfolio Standard (“RPS”) solicitations. Specifically, the Petition requests that a greenhouse gas (“GHG”) adder be included in the 2007 and successive MPRs. As is discussed in more detail

below, inclusion of a GHG adder in the MPR is premature at this point inasmuch as the costs of mitigating carbon emissions are not currently “out-of-pocket expenses incurred by conventional fired generation.”^{1/}

In D.05-12-042, the Commission noted that “[t]he MPR is to represent the presumptive cost of electricity from a non-renewable energy source . . .”^{2/} It further declared that only “known and actual costs” could be included in the MPR and concluded that inclusion of a GHG adder in the MPR was premature where the costs of GHG mitigation were not reflected in the fixed price of electricity from new gas-fired generation.^{3/} It observed that while the need for a GHG adder may be revisited in the future upon the adoption of GHG regulatory programs, the absence of actual costs associated with GHG emission reduction measures precluded inclusion of a GHG adder in the MPR.

In the Petition, CalWEA and GPI contend that recently enacted legislation, Senate Bill (“SB”) 1368 and Assembly Bill (“AB”) 32, which impose a GHG emissions performance standard and emissions reduction requirements to be implemented in the future, signifies that “the time has come to account for GHG emissions in the 2007 MPR for RPS solicitations.”^{4/} To that end, CalWEA and GPI propose that the Commission require parties to include the GHG adder developed by Energy and Environmental Economics in D.04-12-050 (the “E3 adder”) as an element of the MPR calculation for 2007.^{5/} CalWEA and GPI note that the E3 adder has been applied in other Commission

^{1/} See, D.05-12-042, *mimeo*, pp. 47-48.

^{2/} *Id.* at pp. 6-7 (citing D.04-06-015).

^{3/} See, D.05-12-042, *mimeo*, pp. 46-47.

^{4/} Petition, p. 4.

^{5/} *Id.* at p. 9.

proceedings and assert that “[t]he exclusion of GHG emission costs from the MPR discriminates against new renewable generation as compared to other types of electric resources.”^{6/} The claims of CalWEA and GPI lack merit and must therefore be rejected.

Although much attention and effort by both the Commission and stakeholders has recently been directed toward implementation of SB 1368 and AB 32, there is not at this point any tangible cost associated with GHG emission control that could properly serve as the basis for development of a GHG adder. Indeed, CalWEA and GPI appear to acknowledge this fact by asking the Commission to “adopt a GHG adder that assumes CCGTs will be subject to out-of-pocket GHG emission control costs no later than January 1, 2012.”^{7/} While it may be correct that such out-of-pocket costs will be imposed on or before January, 2012, inclusion in the MPR of a GHG adder in advance of such GHG emission control costs actually being incurred would improperly skew the price of RPS generation and would represent a marked departure from prior Commission precedent.

The circumstance described by CalWEA and GPI in the Petition – *i.e.*, that there is likely to be future cost associated with GHG emission reduction – is in fact no different than that described by the Commission in D.05-12-042. There, the Commission acknowledged the likelihood of future costs related to GHG reductions, but rejected the notion that a GHG adder should be included in the MPR on the basis that “no *current* price element of fixed price electricity from new gas-fired generating facilities . . . includes an estimate of the cost of possible *future* carbon regulations.”^{8/} Thus, the

^{6/} *Id.* at p. 5.

^{7/} *Id.* (emphasis added).

^{8/} D.05-12-042, *mimeo*, pp. 46-47.

Commission has squarely addressed and rejected the notion advanced by CalWEA and GPI in the Petition that the future cost of GHG emission reduction measures should be reflected in the MPR.

Likewise, the Commission dismissed in D.05-12-042 the argument raised in the Petition that use of the E3 adder in other Commission proceedings such as the long-term procurement and avoided costs proceedings required extension of the GHG adder to the MPR.^{9/} It drew a clear distinction between use of the E3 adder as an evaluation tool and its use to increase the price paid for generation, noting that it did not intend by adopting the E3 adder in the long-term procurement context to influence the price paid for generation:

In D.04-12-048, we advanced the adder as a tool for the utilities to use in comparing and evaluating their procurement choices among conventionally fueled and renewable energy sources. We explicitly said that the ‘GHG value. . . will not be paid to that generator or charged to ratepayers; it is an analytic tool only. Winning bidders are to be paid the prices that they bid. Thus, the effect of the adder is to potentially change which bids and resources are selected - not to change the price of selected bids.’^{10/}

The Commission has not deviated from its policy of applying the GHG adder in the long-term procurement context solely as an evaluation tool; nor should it.

The same logic should apply in the RPS context. Inclusion of an adder in the MPR would almost certainly result in an increase in the price paid for RPS generation to the extent that the MPR has become a price target for RPS generators. In addition, it is important to note that the MPR is being used to establish prices in certain other RPS contexts, such as the public water and wastewater procurement tariffs California utilities

^{9/} See, *id.* at p. 46.

^{10/} *Id.* (citing D.04-06-015; emphasis in original).

are required to adopt under AB 1969, in which the MPR acts as the default tariff price.^{11/} Thus, inclusion of a GHG adder in the MPR would have real and material economic impact on the prices paid by the IOUs for RPS generation. This would clearly run afoul of established Commission precedent where the E3 adder does not constitute “known and actual costs” that are currently being paid by conventional generating facilities.^{12/} Accordingly, the Petition must be rejected.

As the Petition correctly notes, an accurate MPR is critical to ensuring the ultimate success of the RPS program.^{13/} Hence, SDG&E has been actively involved in the efforts undertaken by the Energy Division to consider necessary modifications to the MPR methodology. In light of the importance of an accurate and reliable MPR, SDG&E urges the Commission to reject the proposal set forth in the Petition. While inclusion of a GHG adder in the MPR may be appropriate at some future point, there currently exists no concrete “out-of-pocket” cost associated with GHG reduction measures to serve as justification for this action.^{14/} Moreover, any GHG adder adopted would need to be designed in such a way that it accurately reflected the differing GHG emissions characteristics of various renewable resources.

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^{11/} See, Public Utilities Code § 399.20 (d).

^{12/} See, D.05-12-042, *mimeo*, p. 46.

^{13/} See, Petition, p. 8.

^{14/} See, D.05-12-042, *mimeo*, p. 48.

For the reasons set forth above, SDG&E urges the Commission to deny the Petition.

Respectfully submitted this 17th day of July, 2007.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of **RESPONSE OF SAN DIEGO GAS & ELECTRIC COMPANY (U 902 E) TO PETITION FOR MODIFICATION OF D.05-12-042** has been electronically mailed to each party of record on the service list in R.04-04-026. Any party on the service list who has not provided an electronic mail address was served by placing copies in properly addressed and sealed envelopes and depositing such envelopes in the United States Mail with first-class postage prepaid.

Copies were also sent via Federal Express to Commissioner Michael R. Peevey and the Assigned Administrative Law Judges Burton Mattson and Anne E. Simon.

Executed this 17th day of July 2007 at San Diego, California

/s/ Jodi Ostrander
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